

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SONY BMG MUSIC ENTERTAINMENT, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 04-1140-CV-W-DW
)	
GRETCHEN KALBAC,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiffs' motion for entry of default judgment (Doc. 18). On December 16, 2004, Plaintiffs filed a Complaint alleging seven violations of 17 U.S.C. § 101, et seq. Defendant was served the Summons and Complaint on January 10, 2006 and has failed to answer or otherwise respond to the Complaint. The Court has jurisdiction under 17 U.S.C. § 101, et seq.; 28 U.S.C. § 1331; and 28 U.S.C. § 1338(a).

Plaintiffs request that the Court enter default judgment in their favor for the minimum statutory damages, pursuant to 17 U.S.C. § 504(c); permanent injunctive relief, pursuant to 17 U.S.C. § 502(a); and costs, pursuant to 17 U.S.C. § 505. After careful review of the applicable law, the Court finds Plaintiffs entitled to the requested relief. Accordingly, it is hereby ORDERED that:

1. Having been adjudged to be in default, Defendant shall pay minimum statutory damages of Seven Hundred and Fifty Dollars (\$750.00) per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the seven sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Five Thousand Two Hundred and Fifty Dollars (\$5,250.00).
2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Five

Hundred and Nineteen Dollars (\$519.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "D'Angelo Lady," on the album "Brown Sugar," by artist, "D'Angelo" (SR# 209-181);
- "Fast Car," on the album "Tracy Chapman," by artist "Tracy Chapman" (SR# 92-491);
- "One Sweet Day," on the album Daydream, by artist, "Mariah Carey" (SR# 215-243);
- "Spice Up Your Life," on the album "Spiceworld," by artist "Spice Girls" (SR# 261-523);
- "Wifey," on the album "Welcome II Nextasy," by artist "Next" (SR# 284-980);
- "I'm With You," on the album "Let Go," by artist "Avril Lavigne" (SR# 312-786);
- "Betterman," on the album "Vitalogy," by artist "Pearl Jam" (SR# 206-558);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

IT IS SO ORDERED.

Date February 28, 2006

/s/ Dean Whipple

Dean Whipple
United States District Court